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Attorney for Defendants Macgreco Investments  
Limited and Tritoria Investments Limited

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

(Portland Division)

WILLIAM DAVIS and W.M.D.  
CONSULTING, LLC, a Nevada limited  
liability company,

Plaintiffs,

Civil No. 3:13-cv-2119

v.

**NOTICE OF REMOVAL**

CASCADE TANKS LLC, an Oregon  
limited liability company; CASCADE  
COMPANIES LLC, an Oregon limited  
liability company; BALUSA HOLDINGS,  
INC., a Nevada corporation; MACGRECOV  
INVESTMENTS LIMITED, a Cyprus  
limited liability company; TRITORIA  
INVESTMENTS LIMITED, a Cyprus  
limited liability company; PIETER VAN

DER STAAL, an individual; DWAYNE DUECK, an individual; PER GUNNAR RYMER, an individual; JOHN DOE Nos. 1 through 5; and JOHN DOE COMPANY Nos. 1 through 5,

Defendants.

PLEASE TAKE NOTICE THAT defendants Macgreco Investments Limited and Tritoria Investments Limited ("Foreign Defendants") and Cascade Tanks LLC, Cascade Companies LLC, Balusa Holdings, Inc. and Pieter van der Staal ("Domestic Defendants") (together "Defendants") hereby remove this action from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon. This Notice of Removal demonstrates the following grounds for removal:

1. The Foreign Defendants and the Domestic Defendants are all the active named defendants in an action filed in the Circuit Court for the State of Oregon, Multnomah County, Case No. 1303-03092, by plaintiffs William Davis and W.M.D. Consulting, LLC ("Plaintiffs"). Defendants Dwayne Dueck and Per Gunnar Rymer were dismissed by a limited judgment entered by the state court on June 20, 2013. The state court Complaint is attached hereto as **Exhibit A**.

2. Removal is authorized pursuant to 9 U.S.C. §§ 203 and 205 because the state court action relates to an arbitration agreement falling under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

3. Attached as **Exhibit B** is a copy of the Stock Buy-Sell Agreement dated as of January 2, 2011, among the Foreign Defendants and plaintiff W.M.D. Consulting, LLC. Section 10.15 provides for arbitration under the jurisdiction of the courts of Cyprus. The Foreign Defendants are organized under the laws of Cyprus. Plaintiffs have conceded that the arbitration provision in the Stock Buy-Sell Agreement is governed by Chapter Two of the Federal

Arbitration Act, which implements the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

4. Removal is timely under 9 U.S.C. § 205 because it is before the time of trial in the state court action.

5. Removal venue lies in this Court because Plaintiffs' action was filed and is pending in this District.

6. Attached as **Exhibit C** is a docket report for the state court action listing the process, pleadings and orders that have been filed or rendered in the action. Due to the large volume of filings, Defendants will coordinate with the Court to arrange for an efficient transmission of the state court file.

7. Promptly upon filing this Notice of Removal, Defendants will provide written notice to Plaintiffs and file a copy of this Notice of Removal with the Clerk of the Multnomah County Circuit Court.

8. By filing this Notice of Removal and removing this case, Defendants do not waive, but rather expressly preserve any and all defenses. Foreign Defendants expressly preserve their defense that personal jurisdiction over them is lacking in Oregon.

9. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. The undersigned have read this Notice of Removal, and to the best of the undersigned's knowledge, information and belief, formed after a reasonable inquiry, it is well grounded in fact; is warranted by existing law or an extension or modification of existing law; and is not interposed for any improper purposes, such as to harass or cause unnecessary delay or needless increase in the cost of this litigation.

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WHEREFORE, Defendants hereby remove the above-captioned state court action pending in Multnomah County Circuit Court to the United States District Court for the District of Oregon, where it shall proceed.

DATED this 27th day of November, 2013.

TONKON TORP LLP

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Attorney for Defendants Cascade Tanks LLC,  
Cascade Companies LLC and Balusa Holdings, Inc.

PARSONS FARNELL & GREIN LLP

By /s/ Charles J. Paternoster  
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Attorney for Defendant Pieter van der Staal

### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **NOTICE OF REMOVAL** on:

David Markowitz  
Shannon Armstrong  
Matt Donohue  
Markowitz & Herbold, et al.  
1211 SW Fifth Avenue, Suite 3000  
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Attorneys for Plaintiffs

S. Ward Greene  
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Attorney for Defendants Cascade Tanks  
LLC, Cascade Companies LLC and Balusa  
Holdings, Inc.

Charles J. Paternoster  
Parsons Farnell & Grein LLP  
1030 SW Morrison Street  
Portland, OR 97205  
Attorney for Defendant Pieter van der Staal

- ☐ by faxing a copy thereof to each attorney at his last-known facsimile number on the date set forth below;
- ☒ by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to each attorney's last-known address and depositing in the U.S. mail at Portland, Oregon on the date set forth below;
- ☒ by causing a copy thereof to be e-mailed to said attorneys at their last-known email addresses on the date set forth below;
- ☐ by causing a copy thereof to be hand-delivered to said attorney at his last-known office address on the date set forth below;
- ☐ by sending a copy thereof via overnight courier in a sealed, prepaid envelope, addressed to said attorney's last-known address on the date set forth below.

DATED this 27th day of November, 2013.

TONKON TORP LLP

By /s/ Anna K. Sortun  
Daniel H. Skerritt, OSB No. 681519  
Anna K. Sortun, OSB No. 045279  
Attorney for Defendants Macgreco Investments  
Limited and Tritoria Investments Limited